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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/645,073	05/13/1996	MAKOTO YOSHIOKA	1046.1133/JD	4943

7590 03/20/2002

STAAS & HALSEY  
700 ELEVENTH STREET NW  
SUITE 500  
WASHINGTON, DC 20001

EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 03/20/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

SG

# Office Action Summary

Application No.  
**08/645,073**

Applicant(s)  
**Makoto, Yoshioka et al.**

Examiner  
**Pierre E. Elisca**

Art Unit  
**2161**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Oct 11, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above, claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office action is in response to Applicant's response filed on 10/11/2001.
2. Claims 1-25 are pending.
3. The rejection to claims 1-25 under 35 U.S.C. 102 (b) as being anticipated by McMullan, Jr. et al. ('086) or McMullan, Jr. et al. ('690) as set forth in the Office action mailed on 01/22/2002 is maintained.

### ***Response to Arguments***

4. Applicant's arguments filed on 10/11/2001 have been fully considered but they are not persuasive.

## **REMARKS**

5. In response to Applicant's arguments filed on 10/20/2001 , Applicant argues that the prior art of record do not teach the newly added limitation "self contained computer content , the content medium contents a period of time". Examiner disagrees as this limitation is disclosed by McMullans

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as specify in the office action mailed on 07/25/2001, page 2-4, and thus, these limitations already existed or already been treated in the previous office action.

During the interview 12/26/2001 and also in the response filed on 10/20/2001, paper # 40 , Applicant argues that the Examiner fails to answer the limitation such as “a period reader reading a period stored on an individual self contained computer readable content medium, the content medium indicating a period of time during which a content on the content medium can be served”. However, the Examiner respectfully disagrees because this limitation is disclosed by both McMullan in col 8, lines 44 through col 9, line 34, col 10, lines 3-35, specifically wherein the Examiner has stated that “ period reader....” reads on the structure at the headend that reads the stored data regarding the delivery time of the pay-per-view showing col 10, lines 3-35. Typically, these showings are scheduled well in advance and are printed in a program guide for customers. As for claim 1, “ present time or period of time data generator...”, inherently each of the applied references would have a time generator as part of the computer controlling the transmission of ordered pay-per-view showings, so that the showing starts at the scheduled starting time and is cut off at the scheduled ending time, and also please note that the RF-IPPV of McMullan is readable as the computer content medium.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Monday, Tuesday and Wednesday from 5:30AM. to 6:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9769.

**Any response to this action should be mailed to:**

Commissioner of patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry )

**OR:**

(703) 305-3718 ( for informal or draft communications, please label

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“PROPOSED” or” DRAFT”)

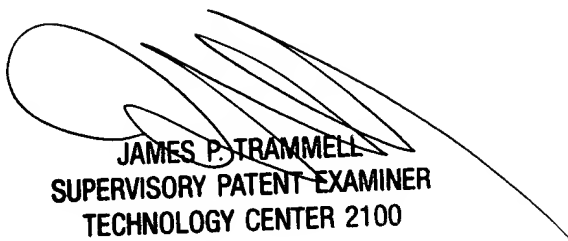
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA.,  
Sixth floor (receptionist ).

The Official Fax Numbers For TC-2100 Are:

After-final (703) 746-7238

Official (703) 746-7239

Non-Official/Draft (703) 746-7240

  
JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

  
Pierre Eddy Elisca

Patent Examiner

March 14, 2002